

Atty. Docket No. YOR920000167US1
(590.013)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 1-19 were pending in the instant application at the time of the outstanding Office Action. Claims 1, 9, 10, 18, and 19 are independent claims; the remaining claims are dependent claims. The Office has issued a final rejection, rejecting all of the pending claims in the application. An Amendment After Final was filed on October 4, 2005, in which Applicants set forth multiple distinctions between the present invention and that of the cited art. In the Advisory Action dated November 14, 2005, however, the Examiner maintained his previous rejections of the Claims. Applicants have therefore filed a Request for Continued Examination along with this Amendment in order to further advance the prosecution of the present application.

Claims 1-19 stand rejected under 35 USC 102(e) as being anticipated by Parthasarathy et al. (hereinafter "Parthasarathy"). Reconsideration and withdrawal of the present rejections is hereby respectfully requested for the reasons provided below, as well as those set forth in Applicants' previous "Remarks," which remain equally applicable to the present rejections and are incorporated by reference (*Amendment After Final* dated October 4, 2005 and *Amendment* dated May 11, 2005).

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Independent Claims 1, 9, 10, 18, and 19 have been amended to recite, *inter alia*, “[d]etermining a background discriminant based on the identity claim and on at least one background model relating to at least one background individual, wherein said step of determining the background discriminant comprises providing a background profile and further determining the background discriminant based on the background profile...”. (*e.g.* Claim 1) Claims 2 and 11 have been cancelled. The Applicant intends no change in the scope of the claims by the changes made by these amendments. Also, these amendments are not in acquiescence of the Office’s position on allowability, but instead made merely to expedite prosecution.

Among the many distinctions between the present invention and Parthasarathy, is the lack of teaching or suggestion in Parthasarathy of the determining a background discriminant as presently claimed. In Parthasarathy, a Hidden Markov model (“HMM”) is created for each user using the training utterances spoken by these users. (Col. 4, lines 8-19) “Thus, for each enrolled user, there are three phonetic transcriptions of the same password phrase and one hidden Markov model of that same password phrase stored in the lexicon and HMM database memories.” (Col. 4, lines 20-23) In contrast to Parthasarathy stands the present invention, wherein “[t]he discriminant for the background class is preferably a target-dependent function of individual voiceprint-based discriminants in the background population, which individual discriminants are inherent in background population models 224. Thus, several background population models 224 preferably assist in serving as input into the background discriminant function...”. (Page 8, lines 3-9)

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Parthasarathy fails, *inter alia*, to teach a background discriminant constructed by applying a pre-determined "profile" to a population of background models as conceptualized by the present invention. As a clear consequence, all of the elements of the present independent claims have not been taught or suggested by Parthasarathy; therefore, the rejections based upon 35 USC 102 should now be immediately withdrawn, since "[a] claim is anticipated only if each and every element as set forth in the claim is found...". *E.g., Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

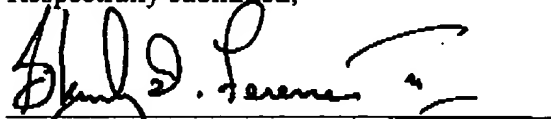
Applicants traverse any and all remaining bases asserted for the present rejections and reserves the right to respond more fully thereto if the need should so arise. Applicants also note, as indicated above, their previous remarks remain applicable to the present Office Action. Briefly stated, in addition to the above mentioned shortcomings, the cited art fails to teach other elements including, *inter alia*, a permutation matrix; a weight vector; a background profile based upon a permutation matrix; and a weight graph. The Examiner has indicated that Applicants have failed to claim these elements; however, as indicated in the Remarks of the Applicants' Amendment After Final, these elements are claimed and, thus, serve as additional support for the patentability of the present invention.

In view of the foregoing, it is respectfully submitted that Claims 1, 9, 10, 18, and 19 fully distinguish over the applied art and are thus in condition for allowance. It is also respectfully submitted, dependent Claims 3-8 and 12-17 are also in condition for allowance.

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In summary, Claims 1, 3-10, and 12-19, are fully distinguishable over the applied art and immediately allowable. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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